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November 18, 2020

VIA ECF

Hon. Lewis J. Liman
Daniel Patrick Moynihan
United States Courthouse
Courtroom 15C
500 Pearl St.
New York, NY 10007-1312

Re: Eastern Profit Corp. Ltd. v. Strategic Vision US, LLC, No. 18-CV-2185 (LJL)

Dear Judge Liman:

I write on behalf of Plaintiff Eastern Profit with respect to Defendant Strategic Vision's Reply in Support of its Motion *In Limine*, ECF No. 306 (the "Reply"). Strategic filed the Reply despite that there is no allowance for replies in Section 5 of the Court's *Individual Practices in Civil Cases*, and the Reply raises new arguments that Defendant did not articulate in its Opening Brief.

Eastern respectfully requests leave to file a short sur-reply brief to address new arguments raised by Strategic in the Reply. "[C]ourts have broad discretion to consider arguments in a sur-reply. . . . This is particularly so when new arguments are put forth in a reply brief." *Am. S.S. Owners Mut. Prot. & Indem. Ass'n, Inc. v. Am. Boat Co., LLC*, 2012 WL 32352, at *1 (S.D.N.Y. Jan. 6, 2012) (citations omitted); *see also Rivera v. City of New York*, No. 1:16-CV-9709-GHW, 2019 WL 252019, at *2 n. 3 (S.D.N.Y. Jan. 17, 2019); *New York Univ. v. Factory Mut. Ins. Co.*, No. 15 CIV. 8505 (NRB), 2018 WL 1737745, at *4 n. 2 (S.D.N.Y. Mar. 27, 2018). The Reply raises a new evidentiary theory as to certain documents on Eastern's exhibit list (charging documents and plea agreements relating to Elliott Broidy and Nickie Mali Lum Davis), a flawed theory that Strategic incorrectly attributes to Eastern. Eastern requests the opportunity to address Strategic's arguments with respect to that theory.

The proposed sur-reply is attached as Exhibit A.

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We have consulted counsel for Strategic and are authorized to report that Strategic takes no position as to this Motion.

Respectfully Submitted,

/s/ Joanna J. Cline

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Counsel for Plaintiff Eastern Profit Corp. Ltd.